IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.7486/2007.

Rajasthan State Transport Corporation and anr.
Vs.
Smt.Mehmooda and ors.

Date of order :- 20/9/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Virendra Agrawal for the petitioners.

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BY THE COURT:-

The petitioners have challenged the order dated 3/7/2007 passed by the learned Motor Accident Claims Tribunal, Ajmer whereby, the Tribunal while directing payment of Rs.50,000/- as originally ordered on 8/1/1997 on 'no fault liability' has directed the petitioners to make payment of interest @ 18% p.a. to the claimants-respondents.

2) Learned counsel for the petitioners has argued that petitioners could not be subjected with the liability of interest because as per the directions of the Tribunal dated 8/1/1997, they have deposited the cheque of Rs.50,000/- dated 7/4/1998

with the Tribunal on 20/4/1998 and the claimants-respondents got encashed the same inasmuch as, when the final award was passed on 9/5/2000, that time also the amount of no fault liability i.e. Rs.50,000/- including interest was already deducted from an amount of Rs.1,68,092/- deposited by the petitioners by way of Cheque No.436047 dated 26/4/2000 pursuant to the final award dated 20/4/1998. At the belated stage, the petitioner cannot be made liable to make payment of the interest.

3) I have heard learned counsel for the petitioners and perused the impugned-order containing the contentions of the claimants-respondents which they raised before the Tribunal.

4) From a bare perusal of the impugned-order, it is revealed that the claimants-respondents were not aware of the deposit of the cheque with the Tribunal as no such information was given to the claimants. Even if the the cheque for an amount of Rs.50,000/- was deposited with the Tribunal, the money always remained with the petitioners without being deposited with the bank. Had that amount being

deposited with the bank, it would have certainly earned some interest. Merely because the said amount was reduced at the time of passing of the final award, the claimant would not be disentitled to claim the interest on such amount.

5) The argument of the learned counsel for the petitioners that the interest has been awarded at the excessive rate, cannot be accepted in the facts of the case. Quantum of amount of Rs.50,000/- on which interest for a period of 10 years has been awarded. Interference of this Court is neither considered appropriate nor necessary because rate of interest has been varying from time to time between 1997 to 2007.

6) In the facts of the case therefore, I do not find any merit in this petition.

Therefore, the petition being devoid of any merit, stands dismissed in limine.

(MOHAMMAD RAFIQ), J.

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